

CHAPTER 10-000 INTERSTATE CASES

This chapter outlines the role of Child Support Enforcement in the processing of interstate cases involving two or more states. In Nebraska, interstate cases are governed by the Uniform Interstate Family Support Act (UIFSA).

10-001 Interstate Central Registry:

The Interstate Central Registry is responsible for receiving, distributing, and responding to inquiries on all incoming interstate IV-D cases. The Interstate Central Registry must, within ten working days of receipt of an interstate IV-D case:

1. Ensure documentation submitted with the case has been reviewed to determine completeness;
2. Forward the case for necessary action;
3. Acknowledge receipt of the case;
4. Ensure any missing documentation has been requested from the initiating state; and
5. Inform the IV-D agency in the initiating state where the case was sent for action.

10-001.01 Inadequate Documentation:

If the Interstate Central Registry determines the documentation submitted with a case does not meet the requirements of UIFSA, the Interstate Central Registry must notify the initiating state of the deficiency. The Interstate Central Registry will then forward the case to the appropriate Child Support Enforcement office for any action that can be taken pending the receipt of necessary documentation from the initiating state. If, upon receipt of the case from the Interstate Central Registry, Child Support Enforcement determines it requires documentation beyond the requirements of UIFSA, Child Support Enforcement must contact the initiating state directly.

10-001.02 Case Status Inquiries:

The Interstate Central Registry must respond to case status inquiries from other states within five working days of receipt of the case status review request.

10-002 Nebraska as Initiating State:

10-002.01 Long Arm Statute:

Child Support Enforcement must use the long arm statute to establish paternity whenever appropriate.

10-002.02 Noncustodial Party in Another State:

Child Support Enforcement must refer a case to the interstate central registry in the responding state for action within 20 calendar days of:

1. Determining the noncustodial party is in another state;
2. Determining it is appropriate to send a request to another state; and
3. Receiving the information needed to process the case.

10-002.03 Request for Information:

Within 30 calendar days of receipt of a request for information, Child Support Enforcement must provide the responding state with any requested information, or notify the responding state when the information must be provided.

10-002.04 Receipt of New Information:

Child Support Enforcement must notify the responding state within ten working days of receipt of new case information.

10-002.05 Review and Modification:

Child Support Enforcement must refer the case to the interstate central registry in the responding state for action within 20 calendar days of:

1. Determining it is appropriate to request a review in another state; and
2. Receiving the information needed to process the case.

See 466 NAC 8-000.

10-002.06 Case Closure:

Child Support Enforcement must determine whether a case should be closed within 30 calendar days of:

1. Notification that the custodial party has left the state and the case meets the case closure criteria in 466 NAC 4-000; or
2. Receipt of a request from the responding state to close an interstate case.

10-003 Nebraska as Responding State:

10-003.01 Receipt of Interstate Request:

Within 75 calendar days of receipt of an interstate request and documentation from the Interstate Central Registry, Child Support Enforcement must:

1. Provide location services if the request is for location services or the form or documentation does not include adequate location information on the noncustodial party;
2. Notify the initiating state of any necessary additions or corrections to the form or documentation if unable to proceed with the case because of inadequate documentation; and
3. Process the interstate IV-D case to the extent possible pending necessary documentation by the initiating state if the case documentation is inadequate and cannot be remedied without the initiating state's assistance.

10-003.02 Noncustodial Party Location—Within Nebraska:

Within ten working days of locating the noncustodial Party in a different county in Nebraska, Child Support Enforcement must forward the forms and documentation to the appropriate county and notify the initiating state of its action, unless:

1. An incoming interstate request has already been filed or registered in that county; or
2. A Nebraska order has been entered in that county.

10-003.03 Noncustodial Party Location—Outside Nebraska:

Within ten working days of locating the noncustodial party in a different state, Child Support Enforcement must:

1. Return the form and documentation, including the new location, to the initiating state; or
2. If directed by the initiating state, forward the forms and documentation to the interstate central registry in the state where the noncustodial party has been located.

10-003.04 Notice to Initiating State:

Child Support Enforcement must provide timely notice to the initiating state IV-D agency in advance of any formal hearings which may result in establishment or modification of an order.

10-003.05 Receipt of New Information:

Child Support Enforcement must notify the initiating state within ten working days of receipt of new case information.

10-003.06 Case Closure:

Child Support Enforcement must notify the initiating state when a case meets the case closing criteria in 466 NAC 4-000 or when the noncustodial party has left Nebraska.

10-003.06A Request from Initiating State:

Except as provided in 466 NAC 10-003.06B, Child Support Enforcement must only close a case when requested by the initiating State.

10-003.06B Action Required by Initiating State:

Child Support Enforcement must notify the initiating state when action essential for the next step in providing services is required by the initiating state. If after 30 days the initiating state fails to take the required action, Child Support Enforcement must, after proper documentation, notify the initiating state in writing 60 calendar days prior to closing the case of its intent to close the case. The case must be kept open if the initiating state supplies information in response to the notice. See 466 NAC 4-000.

10-003.07 Review and Modification:

Child Support Enforcement must review and modify orders upon request in accordance with federal and state law.

10-004 Payment and Recovery of Cost in Interstate Costs:

In interstate cases the following criteria apply:

1. The responding state must pay the costs it incurs in processing interstate cases except as provided in 2. and 4. listed below;
2. The initiating state must pay the costs of genetic testing in paternity cases;
3. If paternity is established in the responding state, the responding state must attempt to obtain a judgement for the costs of the genetic testing. If the costs of initial or additional genetic testing are recovered, the responding state must reimburse the initiating state. In Nebraska, Child Support Enforcement must attempt to recover the costs of genetic testing from the party that denied paternity;
4. Each state may recover its costs of providing services in interstate non ADC cases in accordance with federal regulations; and
5. The responding state must identify any fees or costs deducted from support payments when forwarding payments to the initiating state.

10-005 Interstate Liens:

A child support judgement automatically creates a lien, which may be filed against real property, or any personal property that is registered with a county office. See 466 NAC 9-012.

10-005.01 Full Faith and Credit:

Nebraska courts must give full faith and credit to child support liens being enforced from other states when the party seeking enforcement complies with procedures for filing the lien. Liens arising in other states are entitled to the same priority as liens arising in the State of Nebraska.

10-005.02 Filing Requirements:

To file an interstate lien in Nebraska, the state agency or party seeking enforcement must send the following items to the clerk of the district court:

1. A certified copy of the support order and all modifications;
2. A notice of lien which complies with 42 U.S.C. 652(a)(11) and 42 U.S.C. 654(9)(E); and
3. The appropriate filing fee.

Acceptance of these items by the clerk of the district court constitutes entry of the foreign support order, for purposes of enforcing the lien only. Additional filings that would be required to register a foreign judgement under UIFSA are not required for filing an interstate lien.

To file an outgoing interstate lien, the filing requirements of the receiving state must be followed.

10-006 Interstate Administrative Subpoena

Federal and state laws allow for the IV-D agency to issue an administrative subpoena to order genetic testing, and to obtain financial or other information needed to establish, modify, or enforce a support order, without the necessity of obtaining a court order. See 466 NAC 9-005.

The Federal rules and regulations require all states to recognize the authority of other states to issue an administrative subpoena. In the case of an administrative subpoena issued in an interstate case, the federally approved form, citing the applicable federal law, must be used.

10-007 Administrative Enforcement in Interstate Cases (AEI):

Federal law, as amended by PRWORA, requires that all states have laws in effect which allow for one state to submit a request to another state for the use of automated data processing to search state data bases to identify and seize assets of delinquent obligors. AEI allows for one state to obtain and access information in the databases of another state to use the same enforcement techniques that are used in intrastate cases. AEI may be used to access information from state Financial Information Data Match, Directory of New Hires, employment services, license records and other databases.

10-007.01 Requests for AEI:

AEI is triggered by a request from one state IV-D agency to another. This request must certify the following:

1. the amount that each noncustodial party is in arrears, and
2. that all due process requirements have been met by the requesting State.

Because this is a request, and not a formal interstate referral, the assisting state is not required to open a IV-D case.

10-007.02 Record-Keeping Requirements:

Federal law requires each state to maintain records of the following:

1. the number of AEI requests received by the state,
2. the number of cases in which support is collected as a result of AEI requests, and
3. the dollar amounts of support collected as a result of AEI requests.